REMARKS/ARGUMENTS

After the foregoing Amendment, claims 30 – 38 are currently pending in this application.

Claim Rejections - 35 USC §103

Claims 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,470,001 to Kim et al. (hereinafter Kim) in view of U.S. Publication No. 2005/0054366 to Chen et al. (hereinafter Chen) and further in view of U.S. Patent No. 6,438,377 to Savolainen (hereinafter Savolainen).

As previously described, Applicants' disclose a method and base station for aligning a field unit that comprises receiving a reverse link signal from a field unit and determining a gross timing offset with respect to reverse link channels from other field units sharing the same reverse link logical channel. A metric associated with the received reverse link signal is calculated and a determination based on the metric whether the base station should control the alignment of the field unit is selectively made. Again, Kim does not disclose Applicant's claimed method and base station.

Kim discloses an apparatus for adjusting the transmission power of the base station in simultaneous communication with a mobile station. According to Kim,

> [d]uring the data communication, the base station estimates the estimated RTD of the newly assigned reverse supplemental channel from the sync channel, (i.e., the reverse pilot channel) in step 112. If the difference between the estimated RTD and a reference RTD exceeds a predetermined error limit, the base station calculates a time alignment parameter and an action time parameter for time alignment of data, in step 113. Then, the base station sends a control message representative of the calculated time alignment and action time parameters to the terminal via a forward DCCH, in step 114.

See Kim, column 4, lines 15-25. As clearly indicated in the above cited portion of Kim, which was also cited by the Examiner, Kim discloses a base station that calculates a return trip delay (RTD) using a signal received from the requesting terminal. The base station then determines a time offset, which is subsequently transmitted to the terminal for time aligning the terminal. There is no suggestion or teaching anywhere in Kim regarding the estimating the round trip delay based on received data from a plurality of terminals, as the Examiner has argued. The Examiner has cited column 4, lines 15-37, as supporting his argument. As Applicant has stated, though, there is nothing in this portion cited by the Examiner that supports the Examiner's finding of the base station receiving data from a plurality of terminals to estimate the round trip delay. In fact, the remaining portion of the Kim patent makes it clear that the base station utilizes a signal communication from the subscriber unit to determine the RTD.

The Examiner has stated in the Advisory Action that Applicants determining a gross timing offset with respect to reverse link channels from other field units is disclosed by Kim in column 4, lines 15-37, specifically lines 30-37.

> Wherein the base station can synchronously receive data from a plurality of terminals on reverse supplemental channels and the base station estimates RTD from the sync channel.

Advisory Action, p. 2. Applicants respectfully submit that the portion cited by the Examiner does not disclose Applicants' claimed method. This section discloses that the base station receives data from a plurality of terminals on reverse supplemental channels within the predetermined error limit. There is no disclosure in this cited portion, as suggested by the Examiner, regarding the determination of the gross timing offset with respect to reverse link channels from other field units. All that is disclosed is the receipt of data from a plurality of terminals on reverse supplemental channels.

The RTD from the terminal being measured is specifically disclosed in column 4, lines 42-60. According to this portion of Kim, the RTD of the supplemental channel between the base station and the terminal is estimated using the difference in the actual sync channel RTD and the reference sync channel. As clearly indicated in this portion of Kim, the RTD for the supplemental channel is determined independent of any of the other supplemental reverse link channels used by other terminals communicating with the base station.

As the Examiner admits, Kim also does not disclose calculating a metric associated with the received reverse link signal and selectively determining based on the metric whether the base station should control the alignment of the field unit. In fact, Kim specifically teaches away from Applicant's disclosed method and apparatus. Kim teaches a system for aligning the base station with the subscriber unit using the RTD. Kim does not suggest or teach the selective determination based on the metric whether the base station should control the alignment of the field unit. According to Kim, the base station aligns the field unit regardless of the calculated time offset.

In the Examiner's Advisory Action, there was no discussion regarding Kim's failure to suggest or teach the selective determination based on the metric whether the base station should control the alignment of the field unit. Therefore, Kim does not disclose Applicants' claimed method.

Chen, like Kim, does not disclose the determination of a gross timing offset with respect to reverse link channels from other field units sharing the same reverse link logical channel, and selectively determining based on the metric whether the base station should control the alignment of the field unit. Accordingly, neither Kim nor Chen, alone, or in combination with one another, suggest or teach Applicants' disclosed method.

Claims 31 – 38 are dependent upon claim 30, and the Applicants believe these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the §103 rejection is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosures